

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14137 of 2004

Between:

M/s.Asoka Biscuit Works, 2-3-745, Amberpet, Hyderabad-13,
rep., by its Managing Partner Mr.Kuljeet Singh.

..... PETITIONER

AND

- 1 The Commercial Tax Officer, Vidyanagar Circle, Hyderabad.
- 2 The Commercial Tax Officer, Tarnaka Circle, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not refunding an amount of Rs.4,57,975/- which was paid by the petitioner for the assessment years 1978-79, 1979-80, 1980-81,1981-82, 1983-84 and 1984-85, even at the belated stage is illegal, arbitrary and without authority of law, and consequently direct the respondents to refund an amount of Rs.4,57,975/- which was paid by the petitioner for the assessment years 1978-79, 1979-80, 1980-81, 1981-82, 1983-84 and 1984-85 with interest forthwith.

Counsel for the Petitioner:MR.BHASKAR REDDY VEMIREDDY

Counsel for the Respondent No.: GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

-

-

-

ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties.

On instructions, Counsel for respondents submit that the petitioner is entitled to refund of certain amounts. The petitioner contends that he is entitled to refund of Rs.4,57,975/-. The learned Government Pleader further submits that the Department will take about four weeks time to refund the amount in accordance with Rules. In view of this submission, we dispose of the Writ Petition, directing the respondents to refund the amount to which the petitioner is entitled in accordance with Rules, within a period of four weeks from today. No costs.

(BILAL NAZKI, J)

9th September, 2004.

(S.ANANDA REDDY, J)

N.B:

Copy in one week.

(B/o)

ajr

To

1 The Commercial Tax Officer, Vidyanagar Circle, Hyderabad.

2 The Commercial Tax Officer, Tarnaka Circle, Hyderabad.

3 Two C.Cs. to the G.P. for Commercial Taxes, High Court

Buildings, Hyderabad (O.U.T).

4 Two C.D. copies.